



Reprinted
February 23, 1999

SENATE BILL No. 480

DIGEST OF SB 480 (Updated February 22, 1999 4:21 pm - DI 101)

Citations Affected: IC 3-9; IC 3-14.

Synopsis: Disclosure of persuasion polls. Defines a persuasion poll to mean a telephone survey that: (1) includes more than 500 calls; (2) references a candidate or group of candidates in any election or caucus; and (3) is designed to provide negative information about a candidate or group of candidates or to influence the respondent to vote for or against a candidate or group of candidates. Prohibits a person from sponsoring, authorizing, conducting, or administering a persuasion poll unless the caller identifies at the end of the call the person sponsoring and authorizing the call. Requires that if a person sponsoring or authorizing a call is a candidate's committee, the caller must also identify the candidate's name and the office sought by the candidate. Requires that if a candidate's committee neither sponsors nor authorizes a call, the caller must state that the call is not authorized by any candidate or candidate's committee. Prohibits a person from stating or
(Continued next page)

Effective: July 1, 1999.

Skillman, Rogers

January 13, 1999, read first time and referred to Committee on Elections.
February 16, 1999, amended, reported favorably — Do Pass.
February 22, 1999, read second time, amended, ordered engrossed.

SB 480—LS 7868/DI 101+



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implying false or fictitious names or addresses when making the required disclosures. Provides that a person who violates these provisions commits a Class B misdemeanor. Provides that a candidate, candidate's committee, regular party committee, political action committee, or legislative caucus committee that sponsors a persuasion poll that violates these provisions is subject to a civil penalty of up to three times the amount expended in sponsoring the persuasion poll. Provides that a person who authorizes, conducts, or administers a persuasion poll that violates these provisions must pay a civil penalty of \$50 for each call in violation of the provisions, with such penalty not to exceed \$1000 plus any investigative costs incurred by the election division or a county election board.

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Reprinted
February 23, 1999

First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

SENATE BILL No. 480

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 3-9-4-16 IS AMENDED TO READ AS FOLLOWS
- 2 [EFFECTIVE JULY 1, 1999]: Sec. 16. (a) In addition to any other
- 3 penalty imposed, a person who does any of the following is subject to
- 4 a civil penalty under this section:
- 5 (1) Fails to file with the election division a report in the manner
- 6 required under IC 3-9-5.
- 7 (2) Fails to file a statement of organization required under
- 8 IC 3-9-1.
- 9 (3) Is a committee or a member of a committee who disburses or
- 10 expends money or other property for any political purpose before
- 11 the money or other property has passed through the hands of the
- 12 treasurer of the committee.
- 13 (4) Makes a contribution other than to a committee subject to this
- 14 article or to a person authorized by law or a committee to receive
- 15 contributions on the committee's behalf.

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(5) Is a corporation or labor organization that exceeds any of the limitations on contributions prescribed by IC 3-9-2-4.

(6) Makes a contribution in the name of another person.

(7) Accepts a contribution made by one (1) person in the name of another person.

(8) Is not the treasurer of a committee subject to this article, and pays any expenses of an election or a caucus except as authorized by this article.

(9) Commingles the funds of a committee with the personal funds of an officer, a member, or an associate of the committee.

(10) Wrongfully uses campaign contributions in violation of IC 3-9-3-4.

(11) Violates IC 3-9-2-12.

(12) Is a candidate, candidate's committee, regular party committee, political action committee, or legislative caucus committee and sponsors a persuasion poll that does not comply with IC 3-9-8-4, IC 3-9-8-5, or IC 3-9-8-6.

(13) Authorizes, conducts, or administers a persuasion poll that does not comply with IC 3-9-8-4, IC 3-9-8-5, or IC 3-9-8-6.

(b) This subsection applies to a person who is subject to a civil penalty under subsection (a)(1) or (a)(2) for filing a defective report or statement. If the commission determines that a person failed to file the amended report or statement of organization not later than noon five (5) days after being given notice under section 14 of this chapter, the commission may assess a civil penalty. The penalty is ten dollars (\$10) for each day the report is late after the expiration of the five (5) day period, not to exceed one hundred dollars (\$100) plus any investigative costs incurred and documented by the election division. The civil penalty limit under this subsection applies to each report separately.

(c) This subsection applies to a person who is subject to a civil penalty under subsection (a)(1) or (a)(2) for a delinquent report or statement. If the commission determines that a person failed to file the report or statement of organization by the deadline prescribed under this article, the commission shall assess a civil penalty. The penalty is fifty dollars (\$50) for each day the report or statement is late, with the afternoon of the final date for filing the report or statement being calculated as the first day. The civil penalty under this subsection may not exceed one thousand dollars (\$1,000) plus any investigative costs incurred and documented by the election division. The civil penalty limit under this subsection applies to each report separately.

(d) This subsection applies to a person who is subject to a civil



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penalty under subsection (a)(3), (a)(4), (a)(6), (a)(7), (a)(8), (a)(9), or (a)(10). If the commission determines that a person is subject to a civil penalty under subsection (a), the commission may assess a civil penalty of not more than one thousand dollars (\$1,000), plus any investigative costs incurred and documented by the election division.

(e) This subsection applies to a person who is subject to a civil penalty under subsection (a)(5). If the commission determines that a person is subject to a civil penalty under subsection (a)(5), the commission may assess a civil penalty of not more than three (3) times the amount of the contribution in excess of the limit prescribed by IC 3-9-2-4, plus any investigative costs incurred and documented by the election division.

(f) This subsection applies to a person who is subject to a civil penalty under subsection (a)(11). If the commission determines that a candidate or the candidate's committee has violated IC 3-9-2-12, the commission shall assess a civil penalty equal to the greater of the following, plus any investigative costs incurred and documented by the election division:

(1) Two (2) times the amount of any contributions received.

(2) One thousand dollars (\$1,000).

(g) This subsection applies to a candidate, candidate's committee, regular party committee, political action committee, or legislative caucus committee that is subject to a civil penalty under subsection (a)(12). If the commission determines that the candidate, candidate's committee, regular party committee, political action committee, or legislative caucus committee has sponsored a persuasion poll that included calls that did not comply with IC 3-9-8-4, IC 3-9-8-5, or IC 3-9-8-6, the commission may assess a civil penalty of up to three (3) times the amount expended by the candidate, candidate's committee, regular party committee, political action committee, or legislative caucus committee in sponsoring the poll, plus any investigative costs incurred and documented by the election division. If the commission determines that a civil penalty is warranted, the commission shall consider the following factors in determining the amount of the penalty:

(1) the number of calls made in violation of IC 3-9-8-4, IC 3-9-8-5, or IC 3-9-8-6; and

(2) whether the calls in violation of IC 3-9-8-4, IC 3-9-8-5, or IC 3-9-8-6 were isolated events or part of a pattern of violations.

(h) This subsection applies to a person who is subject to a civil penalty under subsection (a)(13). If the commission determines that



1 a person has violated IC 3-9-8-4, IC 3-9-8-5, or IC 3-9-8-6, the
 2 commission shall assess a civil penalty. The penalty is fifty dollars
 3 (\$50) for each call that violates IC 3-9-8-4, IC 3-9-8-5, or
 4 IC 3-9-8-6. The civil penalty under this subsection may not exceed
 5 one thousand dollars (\$1,000) plus any investigative costs incurred
 6 and documented by the election division.

7 ~~(g)~~ (i) All civil penalties collected under this section shall be
 8 deposited with the treasurer of state in the campaign finance
 9 enforcement account.

10 ~~(h)~~ (j) Proceedings of the commission under this section are subject
 11 to IC 4-21.5.

12 SECTION 2. IC 3-9-4-17 IS AMENDED TO READ AS FOLLOWS
 13 [EFFECTIVE JULY 1, 1999]: Sec. 17. (a) In addition to any other
 14 penalty imposed, a person who does any of the following is subject to
 15 a civil penalty under this section:

16 (1) Fails to file with a county election board a report in the
 17 manner required under IC 3-9-5.

18 (2) Fails to file a statement of organization required under
 19 IC 3-9-1.

20 (3) Is a committee or a member of a committee who disburses or
 21 expends money or other property for any political purpose before
 22 the money or other property has passed through the hands of the
 23 treasurer of the committee.

24 (4) Makes a contribution other than to a committee subject to this
 25 article or to a person authorized by law or a committee to receive
 26 contributions in the committee's behalf.

27 (5) Is a corporation or labor organization that exceeds any of the
 28 limitations on contributions prescribed by IC 3-9-2-4.

29 (6) Makes a contribution in the name of another person.

30 (7) Accepts a contribution made by one (1) person in the name of
 31 another person.

32 (8) Is not the treasurer of a committee subject to this article, and
 33 pays any expenses of an election or a caucus except as authorized
 34 by this article.

35 (9) Commingles the funds of a committee with the personal funds
 36 of an officer, a member, or an associate of the committee.

37 (10) Wrongfully uses campaign contributions in violation of
 38 IC 3-9-3-4.

39 **(11) Is a candidate, candidate's committee, regular party**
 40 **committee, or political action committee, and sponsors a**
 41 **persuasion poll that does not comply with IC 3-9-8-4,**
 42 **IC 3-9-8-5, or IC 3-9-8-6.**



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(12) Authorizes, conducts, or administers a persuasion poll that does not comply with IC 3-9-8-4, IC 3-9-8-5, or IC 3-9-8-6.

(b) This subsection applies to a person who is subject to a civil penalty under subsection (a)(1) or (a)(2) for filing a defective report or statement. If the county election board determines that a person failed to file the report or a statement of organization not later than noon five (5) days after being given notice under section 14 of this chapter, the county election board may assess a civil penalty. The penalty is ten dollars (\$10) for each day the report is late after the expiration of the five (5) day period, not to exceed one hundred dollars (\$100) plus any investigative costs incurred and documented by the board. The civil penalty limit under this subsection applies to each report separately.

(c) This subsection applies to a person who is subject to a civil penalty under subsection (a)(1) or (a)(2) for a delinquent report or statement. If the county election board determines that a person failed to file the report or statement of organization by the deadline prescribed under this article, the board shall assess a civil penalty. The penalty is fifty dollars (\$50) for each day the report is late, with the afternoon of the final date for filing the report or statement being calculated as the first day. The civil penalty under this subsection may not exceed one thousand dollars (\$1,000) plus any investigative costs incurred and documented by the board. The civil penalty limit under this subsection applies to each report separately.

(d) This subsection applies to a person who is subject to a civil penalty under subsection (a)(3), (a)(4), (a)(6), (a)(7), (a)(8), (a)(9), or (a)(10). If the county election board determines that a person is subject to a civil penalty under subsection (a), the board may assess a civil penalty of not more than one thousand dollars (\$1,000), plus any investigative costs incurred and documented by the board.

(e) This subsection applies to a person who is subject to a civil penalty under subsection (a)(5). If the county election board determines that a person is subject to a civil penalty under subsection (a)(5), the board may assess a civil penalty of not more than three (3) times the amount of the contribution in excess of the limit prescribed by IC 3-9-2-4, plus any investigative costs incurred and documented by the board.

(f) This subsection applies to a candidate, candidate's committee, regular party committee, or political action committee that is subject to a civil penalty under subsection (a)(11). If the county election board determines by a unanimous vote that the candidate, candidate's committee, regular party committee, or



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political action committee has sponsored a persuasion poll that included calls that did not comply with IC 3-9-8-4, IC 3-9-8-5, or IC 3-9-8-6, the county election board may assess a civil penalty of up to three (3) times the amount expended by the candidate, candidate's committee, regular party committee, or political action committee in sponsoring the poll, plus any investigative costs incurred and documented by the county election board. If the county election board determines by a unanimous vote that a civil penalty is warranted, the county election board shall consider the following factors in determining the amount of the penalty:

(1) the number of calls made in violation of IC 3-9-8-4, IC 3-9-8-5, or IC 3-9-8-6; and

(2) whether the calls in violation of IC 3-9-8-4, IC 3-9-8-5, or IC 3-9-8-6 were isolated events or part of a pattern of violations.

(g) This subsection applies to a person who is subject to a civil penalty under subsection (a)(12). If the county election board determines that a person has violated IC 3-9-8-4, IC 3-9-8-5, or IC 3-9-8-6, the county election board shall assess a civil penalty. The penalty is fifty dollars (\$50) for each call that violates IC 3-9-8-4, IC 3-9-8-5, or IC 3-9-8-6. The civil penalty under this subsection may not exceed one thousand dollars (\$1,000) plus any investigative costs incurred and documented by the board.

(h) All civil penalties collected under this section shall be deposited with the county treasurer to be deposited by the county treasurer in a separate account to be known as the campaign finance enforcement account. The funds in the account are available, with the approval of the county fiscal body, to augment and supplement the funds appropriated for the administration of this article.

(i) Money in the campaign finance enforcement account does not revert to the county general fund at the end of a county fiscal year.

(j) Proceedings of the county election board under this section are subject to IC 4-21.5.

SECTION 3. IC 3-9-8 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]:

Chapter 8. Persuasion Polls

Sec. 1. As used in this chapter, "basic preference question" means a question that provides a respondent with a list of candidates' names and asks which candidate the respondent supports in a particular election or caucus.

Sec. 2. As used in this chapter, "persuasion poll" means a



1 telephone survey or series of telephone surveys that are similar in
2 nature:

- 3 (1) that includes or totals more than five hundred (500) calls;
4 (2) that references, other than in a basic preference question,
5 a candidate or group of candidates in any election or caucus;
6 (3) that is designed to:

7 (A) provide information that is negative or derogatory
8 about a candidate or group of candidates in any election or
9 caucus; or

10 (B) influence the respondent to vote for or against a
11 candidate or group of candidates in any election or caucus;
12 rather than to measure the public's opinion about the
13 candidates or issues in any election or caucus; and

14 (4) to which at least one (1) of the following applies:

15 (A) A list or directory is used, exclusively or in part, to
16 select respondents belonging to a particular subset or
17 combination of subsets of the population based on
18 demographic or political characteristics such as race, sex,
19 age, ethnicity, party affiliation, or like characteristics.

20 (B) The poll takes less than three (3) minutes to complete,
21 excluding time spent in identifying the person sponsoring
22 and authorizing the poll.

23 (C) The poll does not ask questions about the political or
24 demographic characteristics of the respondents.

25 (D) The person who authorizes, sponsors, conducts, or
26 administers the poll does not collect or tabulate the results
27 of the poll.

28 (E) The poll is commenced not more than ten (10) days
29 before an election.

30 Sec. 3. (a) For purposes of this chapter, a candidate, candidate's
31 committee, regular party committee, political action committee, or
32 legislative caucus committee conducts business in Indiana if the
33 candidate, candidate's committee, regular party committee,
34 political action committee, or legislative caucus committee
35 sponsors or authorizes a persuasion poll that includes telephone
36 calls that are made:

- 37 (1) from Indiana to other locations in Indiana;
38 (2) from another state or nation to locations in Indiana; or
39 (3) from locations both within and outside Indiana to locations
40 in Indiana.

41 (b) For purposes of this chapter, a person conducts business in
42 Indiana if the person receives money or other remuneration to



conduct or administer a persuasion poll that includes telephone calls that are made:

- (1) from Indiana to other locations in Indiana;
- (2) from another state or nation to locations in Indiana; or
- (3) from locations both within and outside Indiana to locations in Indiana.

(c) A nonresident of Indiana who conducts business under subsection (a) or (b) is considered to have appointed the election division as the nonresident's agent for service of process in any action or proceeding against the nonresident arising from the conduct of the persuasion poll.

Sec. 4. (a) A person may not sponsor, authorize, conduct, or administer a persuasion poll unless, at the end of the call, the caller identifies the person sponsoring and authorizing the call by stating: "Paid for by (name of person sponsoring the call), on behalf of (name of person authorizing the call).".

(b) If the person sponsoring or authorizing the call is not required to file a report under IC 3-9-5, the caller shall also disclose a valid current address for the person identified.

(c) If the person sponsoring or authorizing the call is a candidate or candidate's committee, the caller shall also disclose the candidate's name and the office sought by the candidate. However, if a candidate or candidate's committee neither sponsors nor authorizes the call, the caller shall state that the call is not authorized by any candidate or candidate's committee.

(d) A person does not violate this section if the respondent voluntarily terminates the call or asks to be called back before the required disclosures are made.

Sec. 5. A person may not state or imply false or fictitious names or addresses when making the disclosures required under section 4 of this chapter.

Sec. 6. (a) A caller who makes the disclosures required under section 4 of this chapter shall do so in a clear and intelligible manner and shall repeat them upon the request of the respondent.

(b) A person may make the required disclosures by means of a computerized or prerecorded disclaimer message. However, a computerized or prerecorded disclaimer message must offer respondents an option to repeat the message.

Sec. 7. A person who sponsors, authorizes, conducts, or administers a persuasion poll may not knowingly or intentionally block or attempt to block the display of the person's:

- (1) telephone number; or



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1 (2) identity;
2 by a respondent's caller ID service (as defined by IC 8-1-2.9-1)
3 during a call that is part of the persuasion poll.

4 SECTION 4. IC 3-14-1-17 IS ADDED TO THE INDIANA CODE
5 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
6 1, 1999]: **Sec. 17. A person who sponsors, authorizes, conducts, or**
7 **administers a persuasion poll that violates IC 3-9-8-4, IC 3-9-8-5,**
8 **or IC 3-9-8-6 commits a Class B misdemeanor.**

9 SECTION 5. IC 3-14-1-18 IS ADDED TO THE INDIANA CODE
10 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
11 1, 1999]: **Sec. 18. A person who violates IC 3-9-8-7 by knowingly or**
12 **intentionally blocking or attempting to block the person's**
13 **telephone number or identity by a respondent's caller ID service**
14 **(as defined in IC 8-1-2.9-1) commits a Class B misdemeanor.**
15 **However, the offense is a Class A misdemeanor if the person has a**
16 **previous unrelated conviction under that section.**

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COMMITTEE REPORT

Mr. President: The Senate Committee on Elections, to which was referred Senate Bill No. 480, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, line 12, delete "Violates IC 3-9-8-4." and insert **"Is a candidate, candidate's committee, political party, or political action committee, and sponsors a persuasion poll that does not comply with IC 3-9-8-4, IC 3-9-8-5, or IC 3-9-8-6."**

Page 2, between lines 12 and 13, begin a new line block indented and insert:

"(13) Authorizes, conducts, or administers a persuasion poll that does not comply with IC 3-9-8-4, IC 3-9-8-5, or IC 3-9-8-6."

Page 3, between lines 12 and 13, begin a new paragraph and insert:

"(g) This subsection applies to a candidate, candidate's committee, political party, or political action committee that is subject to a civil penalty under subsection (a)(12). If the commission determines that the candidate, candidate's committee, political party, or political action committee has sponsored a persuasion poll that included calls that did not comply with IC 3-9-8-4, IC 3-9-8-5, or IC 3-9-8-6, the commission may assess a civil penalty of up to three (3) times the amount expended by the candidate, candidate's committee, political party, or political action committee in sponsoring the poll, plus any investigative costs incurred and documented by the election division. If the commission determines that a civil penalty is warranted, the commission shall consider the following factors in determining the amount of the penalty:

- (1) the number of calls made in violation of IC 3-9-8-4, IC 3-9-8-5, or IC 3-9-8-6; and**
- (2) whether the calls in violation of IC 3-9-8-4, IC 3-9-8-5, or IC 3-9-8-6 were isolated events or part of a pattern of violations."**

Page 3, line 13, delete "(g)" and insert **"(h)"**.

Page 3, line 14, delete "(a)(12)" and insert **"(a)(13)"**.

Page 3, line 15, delete " IC 3-9-8-4 by failing to make the required" and insert **" IC 3-9-8-4, IC 3-9-8-5, or IC 3-9-8-6,"**

Page 3, line 16, delete "disclosures or by making false or fictitious disclosures,".

Page 3, line 18, delete "IC 3-9-8-4" and insert **"IC 3-9-8-4,**



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IC 3-9-8-5, or IC 3-9-8-6".

Page 3, line 22, delete "(h)" and insert "(i)".

Page 3, line 25, delete "(i)" and insert "(j)".

Page 4, line 12, delete "Violates IC 3-9-8-4." and insert **"Is a candidate, candidate's committee, political party, or political action committee, and sponsors a persuasion poll that does not comply with IC 3-9-8-4, IC 3-9-8-5, or IC 3-9-8-6."**

Page 4, between lines 12 and 13, begin a new line block indented and insert:

"(12) Authorizes, conducts, or administers a persuasion poll that does not comply with IC 3-9-8-4, IC 3-9-8-5, or IC 3-9-8-6."

Page 5, between lines 4 and 5, begin a new paragraph and insert:

"(f) This subsection applies to a candidate, candidate's committee, political party, or political action committee that is subject to a civil penalty under subsection (a)(11). If the county election board determines by a unanimous vote that the candidate, candidate's committee, political party, or political action committee has sponsored a persuasion poll that included calls that did not comply with IC 3-9-8-4, IC 3-9-8-5, or IC 3-9-8-6, the county election board may assess a civil penalty of up to three (3) times the amount expended by the candidate, candidate's committee, political party, or political action committee in sponsoring the poll, plus any investigative costs incurred and documented by the county election board. If the county election board determines by a unanimous vote that a civil penalty is warranted, the county election board shall consider the following factors in determining the amount of the penalty:

(1) the number of calls made in violation of IC 3-9-8-4, IC 3-9-8-5, or IC 3-9-8-6; and

(2) whether the calls in violation of IC 3-9-8-4, IC 3-9-8-5, or IC 3-9-8-6 were isolated events or part of a pattern of violations."

Page 5, line 5, delete "(f)" and insert "(g)".

Page 5, line 6, delete "(a)(11)" and insert "(a)(12)".

Page 5, line 7, delete " IC 3-9-8-4 by failing to make" and insert **"IC 3-9-8-4, IC 3-9-8-5, or IC 3-9-8-6,"**.

Page 5, delete line 8.

Page 5, line 10, delete "IC 3-9-8-4" and insert **"IC 3-9-8-4, IC 3-9-8-5, or IC 3-9-8-6"**.

Page 5, line 14, delete "(g)" and insert "(h)".

Page 5, line 20, delete "(h)" and insert "(i)".



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Page 5, line 22, delete "(i)" and insert "(j)".

Page 5, line 27, delete "and Telephone Solicitations".

Page 5, line 35, delete "one thousand (1,000)" and insert **"five hundred (500)"**.

Page 6, delete lines 21 through 28.

Page 6, between lines 28 and 29, begin a new paragraph and insert:

"Sec. 3. (a) For purposes of this chapter, a candidate, candidate's committee, political party, or political action committee conducts business in Indiana if the candidate, candidate's committee, political party, or political action committee sponsors or authorizes a persuasion poll that includes telephone calls that are made:

- (1) from Indiana to other locations in Indiana;**
- (2) from another state or nation to locations in Indiana; or**
- (3) from locations both within and outside Indiana to locations in Indiana.**

(b) For purposes of this chapter, a person conducts business in Indiana if the person receives money or other remuneration to conduct or administer a persuasion poll that includes telephone calls that are made:

- (1) from Indiana to other locations in Indiana;**
- (2) from another state or nation to locations in Indiana; or**
- (3) from locations both within and outside Indiana to locations in Indiana.**

(c) A nonresident of Indiana who conducts business under subsection (a) or (b) is considered to have appointed the election division as the nonresident's agent for service of process in any action or proceeding against the nonresident arising from the conduct of the persuasion poll."

Page 6, line 29, delete "(b)" and insert **"Sec. 4. (a)"**.

Page 6, line 29, delete "authorize, sponsor," and insert **"sponsor, authorize,"**.

Page 6, line 30, delete "or political telephone solicitation".

Page 6, line 35, delete "(c)" and insert **"(b)"**.

Page 6, line 38, delete "(d)" and insert **"(c)"**.

Page 7, line 2, delete "(e)" and insert **"(d)"**.

Page 7, line 2, delete "The" and insert **"A"**.

Page 7, line 2, delete "sponsoring or authorizing the call".

Page 7, line 11, delete "The" and insert **"A"**.

Page 7, line 11, delete "sponsoring or authorizing the call".

Page 7, between lines 15 and 16, begin a new paragraph and insert:

"Sec. 7. A person who sponsors, authorizes, conducts, or



administers a persuasion poll may not knowingly or intentionally block or attempt to block the display of the person's:

- (1) telephone number; or**
- (2) identity;**

by a respondent's caller ID service (as defined by IC 8-1-2.9-1) during a call that is part of the persuasion poll."

Page 7, line 18, after "who" insert **"sponsors, authorizes, conducts, or administers a persuasion poll that"**.

Page 7, line 18, delete " IC 3-9-8-4 by failing to" and insert **"IC 3-9-8-4, IC 3-9-8-5, or IC 3-9-8-6"**.

Page 7, delete line 19.

Page 7, line 20, delete "disclosures".

Page 7, after line 20, begin a new paragraph and insert:

"SECTION 5. IC 3-14-1-18 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 18. A person who violates IC 3-9-8-7 by knowingly or intentionally blocking or attempting to block the person's telephone number or identity by a respondent's caller ID service (as defined in IC 8-1-2.9-1) commits a Class B misdemeanor. However, the offense is a Class A misdemeanor if the person has a previous unrelated conviction under that section."

and when so amended that said bill do pass.

(Reference is to SB 480 as introduced.)

LANDSKE, Chairperson

Committee Vote: Yeas 9, Nays 0.

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SENATE MOTION

Mr. President: I move that Senator Rogers be added as second author of Senate Bill 480.

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SENATE MOTION

Mr. President: I move that Senate Bill 480 be amended to read as follows:

Page 2, line 14, delete "political party" and insert "**regular party committee**".

Page 2, line 14, delete "or".

Page 2, line 15, after ",", insert "**or legislative caucus committee**".

Page 3, line 21, delete "political party" and insert "**regular party committee**".

Page 3, line 21, delete "or".

Page 3, line 21, after "political action committee" insert ", **or legislative caucus committee**".

Page 3, line 24, delete "political party" and insert "**regular party committee**".

Page 3, line 24, delete "or".

Page 3, line 24, after "political action committee" insert ", **or legislative caucus committee**".

Page 3, line 28, delete "political party" and insert "**regular party committee**".

Page 3, line 28, delete "or".

Page 3, line 29, after "committee" insert ", **or legislative caucus committee**".

Page 4, line 37, delete "political party" and insert "**regular party committee**".

Page 5, line 36, delete "political party" and insert "**regular party committee**".

Page 5, line 39, delete "political party" and insert "**regular party committee**".

Page 6, line 2, delete "political party" and insert "**regular party committee**".

Page 7, line 28, delete "political party" and insert "**regular party committee**".

Page 7, line 28, delete "or".

Page 7, line 28, after "political action committee" insert ", **or legislative caucus committee**".

Page 7, line 30, delete "political party" and insert "**regular party committee**".

Page 7, line 30, delete "or".

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Page 7, line 30, after "political action committee" insert "**, or legislative caucus committee**".

(Reference is to SB 480 as printed February 17, 1999.)

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